

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

October 6, 2009 Minutes

Present: Jina Karampetsos Chair, John Bart Vice Chair, David Gobeille, David DeAngelis, Raymond Trabulsi, Mark Enander, Attorney Joelle C. Sylvia (Town Solicitor Office)

Minutes

Motion made by Member Trabulsi to accept the September 2009 Minutes as presented. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Election of Officers

Motion made by Member Trabulsi and seconded by Member Bart to nominate Jina Karampetsos as Chair of the Zoning Board. Motion carried with a 5-0 vote.

Motion made by Member DeAngelis and seconded by Member Trabulsi to nominate John Bart as Vice Chair of the Zoning Board. Motion carried with a 5-0 vote.

Correspondence

None

Applications:

YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI – Application for Use Variance for the construction of a new indoor/outdoor recreation facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI.

AP 25, Lots 48/58/68/69/71 Zoned: RA 40

Represented by: Robert Chaffee, Director of the YMCA

Mr. Chaffee asked the Board for a continuance to the November 2009 agenda as applicant is before the Planning Board with a preliminary master plan on the proposed project.

Motion made by Member Trabulsi and seconded by Member Enander to continue the application to the November agenda. Motion carried with a 5-0 vote.

Richard Ptaszek, 23 Doire Road, Cumberland, RI – Application for extension of decision of decision dated February 2, 2008 on a Special Use Permit for property located at 44 Pleasant Street, Lincoln, RI.

AP 12, Lot 164 Zoned: RG 7

Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI

Attorney Shekarchi addressed the Board stating applicant is in the process of seeking approval for financing and a six month extension

should be enough time.

Russell Hervieux, Zoning Official informed the Board that one notice was returned. He contacted Attorney Shekarchi who resolved the issue and a new notice was sent out with no return.

Motion made by Member Trabulsi and seconded by Member Bart to grant a six month extension on the Decision. Motion carried with a 5-0 vote.

Thomas & Susan Mercer, 13 Angell Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback for the construction of a porch/sunroom.

AP 44, Lot 4 Zoned: RS 20

Russell Hervieux, Zoning Official informed the Board that there was an error made by the Zoning Office and because this is a sub-standard lot applicant does not need to appear. He informed the applicant and asked that the application be withdrawn without prejudice on behalf of the applicant.

Motion made by Member Enander and seconded by Member Bart to accept the request for withdrawal without prejudice. Motion carried with a 5-0 vote.

M.B. Lincoln Mall LLC/Inland America HOD Co., P.O. Box 9270, Oak Brook, IL – Application for Special Use Permit to increase signage by approximately 1,500 square feet at the Lincoln Mall, 622 George Washington Highway, Lincoln, RI.

AP 41, Lot 7 Zoned: BL 0.5

Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI

Chair read into the record standards that need to be met for a Special Use Permit. Member DeAngelis sat with full privileges.

Applicant is seeking 1,500 additional square feet of signage for the Lincoln Mall site which sits on 65 acres. They have potential new retailers who need visibility. The site is a conditionally permitted use and additional signage will not alter the area.

Witness

Sylvia Krajma , Sr. Property Manger

Witness presented maps showing area views of the site. They currently are at 92% capacity and feel additional signage will attract new tenants. Proposed signs will compliment the existing signage. There are two existing pylons and they want to install 150 square feet more by modifying the existing panel signs. Directional signage will also be installed at the rear of the building near the Stop & Shop.

They are seeking: 64 sq.ft. near Sleepy's for 2 possible spaces; 128 sq.ft for a fitness center; 20 sq.ft for directional signage; other possible tenants. Existing Hollywood Video site will be divided into three units and will need signs. Existing signage facing Route 116 is grandfathered in. Existing Hollywood Video sign will be divided into 3 signs which will result in 6 signs for the building to accommodate new tenants. Witness stated they have 2 new potential drive-in restaurants which would require two signs at 225 sq.ft each for existing pad sites. Fitness center would require a 6'x8' two sided sign at the rear of the site.

Russell Hervieux, Zoning Official stated there is a cap on signage for the mall and last time they appeared the Board included cap in their motion not to grant any additional signage facing Route 116. When the pylons were originally approved in 2007, the cap of 5,000 sq.ft for signage included the pylons. Applicant can modify the pylons as long as the size is not increased.

Chair read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval with Conditions of this application. The proposed Special Use permit is to increase the signage by approximately 1,500 square feet at the Lincoln Mall. This additional square footage will be added to the permitted signage square foot amount of the mall property. The Planning Board agrees with

enabling the Mall to allocate signage square footage among its existing and future tenants. Adding to the permitted amount will allow the Mall to expeditiously accommodate more tenants without the need to appear before the Zoning Board for each new sign. However, the Planning Board feels that there should be limits to the location of the signage. As a condition of approval, the Planning Board recommends that no signs shall be placed on the rear side of any building, only one small directional pylon sign be installed according to the submitted application, and that the size of the structure of the two existing pylon signs not increase in size but allow additional signage on the pylons according to the submitted application. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and fits with the character of the surrounding neighborhood.

No opposition present.

Discussion:

Chair felt the Technical Review Committee (TRC) concerns were addressed in applicant's presentation. Russell Hervieux stated the TRC were concerned that the buildings fronting on Route 116 would need additional signage on the main structure. Other than the pad site issue, he does not see anything that would affect the community. If applicant were to build on the pad sites, there would be no need for applicant to return before the Board unless they deviate from code.

Chair made a motion to approve additional 1,500 square feet of signage in addition to the existing 5,000 square feet cap for a grand total of 6,500 square feet of signage for potential new tenants at the mall with conditions:

- The 6'x8' pylon sign at the rear be for directional signage redirecting residents and will be the only new pylon sign being erected.**
- No additional signage will be installed facing Route 116**
- If any pad sites are developed in the future, signage will not be included in the cap of 6,500 square feet.**

She further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan.**

Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Respectfully submitted,

Ghislaine D. Therien